

REMARKS

Claims 1, 5, 9, 15, 18 and 19 have been amended. Claims 4, 14 and 20 have been cancelled. Reexamination and reconsideration are respectfully requested.

In response to the drawing objection, Applicants submit herewith a replacement Figure 4 which describes the block diagram flow chart in accordance with the written description (see p. 9, lines 1-25). Additionally, Applicants have modified Figure 3 to show the use of two pulsed lasers. A corresponding annotation has been made in the specification (p. 9, line 5).

Applicants gratefully acknowledge the indicated allowability of claims 4 and 5. Accordingly, Applicants have amended method claim 1 to incorporate the limitation of allowable claim 4. Other minor formal amendments unrelated to patentability have been made. Hence, Applicants submit claim 1, along with dependent claims 2-3 and 5-8 are now in condition for allowance.

Regarding the rejection of claim 1 as being anticipated by POPE et al. or as being obvious over POPE et al. in view of MUELLER, Applicants respectfully submit this rejection is moot. Nonetheless, Applicants note that one skilled in the art would not combine POPE et al. and MUELLER et al. Neither reference provides one skilled in the art with any motivation to do so. While POPE et al. describes a method for measuring short time events, such as the lifetime of excited states of a sample, one skilled in the art would not look to MUELLER et al. as it is not within the relevant field, since it has nothing to do with the

determination of the lifetime of an excited state but rather describes the use of spatial auto correlation to characterize the focal field of a lens.

Regarding Applicants' independent apparatus claims 9 and 19, these claims describe an apparatus and scanning microscope, respectively, for measuring the lifetime of an excited state in a specimen. Applicants have amended each of claims 9 and 19 to specify that the apparatus for measuring the lifetime of an excited state in a specimen includes an element for wavelength modification provided in one partial light beam.

Accordingly, such an element for wavelength modification can reduce the energy of the emitting light pulse in proportion to the energy of the exciting light pulse. Hence, Applicants respectfully submit independent claims 9 and 19 are also patentable for the same reasons as claim 1.

Indeed, in the Office Action, claims 14 and 15 were rejected as being obvious over POPE et al. in view of BAER. The Examiner acknowledges that POPE does not disclose an element for wavelength modification. BAER, on the other hand, merely describes a method and apparatus for improving resolution in a confocal laser microscope. In that regard, one skilled in the art receives no motivation to pick and choose components of BAER for use in POPE et al.'s system without the specific teachings of Applicants' invention. Of course, such a hindsight combination is inappropriate. Indeed, BAER's frequency doubling crystal 82 is arranged in a complete light beam, as opposed to Applicants' claimed partial light beam. Accordingly, Applicants submit independent claims

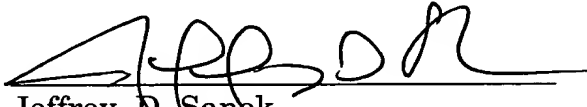
9 and 19 are also patentable over the prior art of record. Further, claims 10-13 and 15-18 depend from claim 9 and are likewise submitted to be patentable.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #2203/50472).

Respectfully submitted,

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Amendments to the Drawings:

The attached sheet of drawings includes changes to Figs. 3 and 4.

Attachment: Replacement Sheets